

ESTTA Tracking number: **ESTTA64485**

Filing date: **01/31/2006**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Euphrates, Inc.
Granted to Date of previous extension	02/01/2006
Address	230 Enterprise Road Johnstown, NY 12095 UNITED STATES
Attorney information	David L. Principe Hodgson Russ LLP One M&T Plaza Suite 2000 Buffalo, NY 14203 UNITED STATES dprincip@hodgsonruss.com, meustace@hodgsonruss.com, jdivince@hodgsonruss.com

### Applicant Information

Application No	78380017	Publication date	10/04/2005
Opposition Filing Date	01/31/2006	Opposition Period Ends	02/01/2006
Applicant	Kangadis Food, Inc. 76-01 77th Avenue Glendale, NY 11385 UNITED STATES		

### Goods/Services Affected by Opposition

Class 029. First Use: 1986/01/01 First Use In Commerce: 1986/01/01 All goods and services in the class are opposed, namely: CHEESE, NAMELY FETA, ROMANO AND PARMESAN CHEESE	
Related Proceedings	United States District Court for the Eastern District of New York identified as Kangadis, Inc. d/b/a Gourmet Factory v. Euphrates, Inc., Civil Action No. 05-0111(DLI)(RML)
Attachments	opposition.1.pdf ( 1 page )
Signature	/david principe/
Name	David L. Principe
Date	01/31/2006

1. Applicant's alleged mark consists of a mark which, when applied to the goods of applicant, is merely descriptive in that said mark is an apt and common term used to describe goods of the nature involved herein. Opposer, is now and has been involved in the manufacture and sale of cheese products, which are of a related nature to applicant's goods, and which opposer has a valid and legal right to describe by use of the term sought to be registered by applicant. Opposer is likely to be damaged by registration of said term in that the prima facie effect of such registration will tend to impair opposer's right to descriptive use of said term. In view of the above allegations, applicant is not entitled to federal registration of its alleged mark in that applicant is not entitled to exclusive use of said term in commerce on the goods specified and further, that applicant's alleged mark does not function to identify applicant's goods and distinguish them from those offered by others.